

# **EXHIBIT B**

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November 3, 2011

BY ELECTRONIC TRANSMISSION

Jessica Burnett, Esq.  
Cremer, Spina, Shaughnessy, Jansen &  
Siegert, LLC  
180 North LaSalle Street, Suite 3300  
Chicago, IL 60601

Re: FieldTurf USA Inc. et al. v. TenCate Thiolon Middle East LLC et al.

Dear Jessica:

I write with regards to the November 1, 2011 telephone conference on discovery issues, in which you, Tom Pender, Kate Pringle, and I participated. You and Tom told us that your firm is still in the preliminary stages of collecting your clients' documents that are located in the United States, and has yet to begin collecting documents that are located in the United Arab Emirates and Netherlands. Putting to the side the issue of the tardiness of these efforts, we are concerned about your firm's stated process for collecting electronic documents. It is a commonly accepted practice – particularly in a case of this significance and complexity – for the parties to use an array of targeted keywords to search for potentially relevant electronic correspondence, which are then more closely reviewed. This is how we are searching for emails in response to your clients' voluminous discovery requests, and we expected that your firm would be doing the same in response to FieldTurf's discovery requests.

FRIEDMAN KAPLAN SEILER &amp; ADELMAN LLP

Jessica Burtnett, Esq.

- 2 -

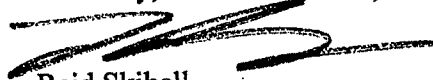
November 3, 2011

To the contrary, you stated on the call that your firm is planning to search for electronic documents using only *six* keywords: FieldTurf, Tarkett, Evolution, Mattex, MLI, and Evolution Plus. Indeed, since the term Evolution will capture any documents that include Evolution Plus, it is really a mere *five* keywords. As you must be aware given the wide range of issues in this case, these keywords are inadequate in both number and scope. For example, you are neglecting to use the term "Duraspine," which is the name under which Evolution 3GS is actually marketed and sold to customers in North America, as well as the term "Revolution," which is the FieldTurf product that your clients have put at issue in their counterclaims. And only slightly less problematic, you are not using the names of central persons in the case as keywords, and thus are failing to capture electronic communications that are likely to contain relevant documents. Consequently, your proposed methodology is grossly inadequate.

To address these deficiencies, I have enclosed a list of proposed searches that we believe TenCate must use in collecting emails in response to FieldTurf's discovery requests. Each proposed search includes Mattex and TenCate custodians, a date range, and keywords. Please review the searches and inform us, before our scheduled call next week, whether you will use these searches or some variation thereof. We are happy to resume discussions of search terms as you continue your search and obtain additional information, but we think it is essential that we reach some understanding now as to the terms that you will use, to avoid losing time as a consequence of an inadequate document collection by TenCate.

As requested in your follow-up email, I also have enclosed information on the searches that we have conducted to locate potentially relevant emails. Beyond these searches, we have compiled a significant volume of hard copy and electronic documents from targeted collections, including all of the customer service and production files related to the Duraspine fields that have been identified to date as suffering from fiber degradation. Our document collection is ongoing, and, of course, we are unable to produce the documents that have already been reviewed because your clients are unwilling to agree to the entry of a standard protective order. Nevertheless, as is clear from our email search terms, we are undertaking a comprehensive search for documents so that we will be prepared to commence production promptly upon entry of an agreed upon, or Court-ordered, protective order.

Sincerely,



Reid Skibell

FRIEDMAN KAPLAN SEILER & ADELMAN LLP

Jessica Burtnett, Esq.

- 3 -

November 3, 2011

Enclosures

cc: Tom Pender, Esq. (w/ enclosures)  
Jay Bogan, Esq. (w/ enclosures)  
Charles McKnight, Esq. (w/ enclosures)

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**Proposed Search Terms – Mattex and TenCate Emails**

**Search 1 (Current Search)**

**Custodians:** Tom Algoet, Jean-Claude Auguste, Robert Block, Luc Blommaert, Luc de Vries, Michael Green, Fidel Ismael, Jaap Lock, Harry Ma, Mario Muehle, Ian Petrie, Marco Reefman, Jeroen van Balen, Marc Verleyen, Johan Vercruyssen, and Guido Vliegen.

**Date Range:** January 1, 2005 through the present.<sup>1</sup>

**Terms Searched:** FieldTurf, Tarkett, Evolution, Mattex, MLI, and Evolution Plus.

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<sup>1</sup> This date range may be too broad, and we would suggest that for the TenCate custodians it run from the approximate time of the first discussion between Mattex and TenCate about a potential transaction to the present.

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**Search 2**

**Custodians:** Luc Blommaert, Fidel Ismael, Jeroen van Balen (Mattex emails), and Johan Vercruyssen.

**Date Range:** January 1, 2003 through January 1, 2005.

**Terms Searched:** FieldTurf, Tarkett, and Evolution.

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**Search 3**

**Custodians:** Tom Algoet, Jean-Claude Auguste, Robert Block, Luc de Vries, Michael Green, Jaap Lock, Harry Ma, Mario Muehle, Ian Petrie, Marco Reefman, Jeroen van Balen (TenCate emails),<sup>2</sup> Marc Verleyen, and Guido Vliegen.

**Date Range:** January 1, 2005 through the present.<sup>3</sup>

**Terms Searched:**

1. Duraspine
2. \*Mattex\* AND any of the following:
  - a. UV
  - b. ultraviolet
  - c. tensile
  - d. tenacity
  - e. test\*
  - f. masterbatch
  - g. Lisport
  - h. ISA Sport
  - i. mono\*
  - j. Reimotec
  - k. BASF
  - l. formula
  - m. polymer
  - n. C w/1 8
  - o. C w/1 6
  - p. C w/1 4
  - q. defect\*
  - r. liabilit\*
  - s. legal w/5 claim\*
  - t. product w/5 claim\*
  - u. warrant\*
3. \*isa-sport\*
4. jeroen\*
5. jvb

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<sup>2</sup> The TenCate emails of Jeroen van Balen can be excluded from items 4-6.

<sup>3</sup> As with Search 1, the beginning part of the date range may need to be adjusted to the approximate time of the first communication between Mattex and TenCate about a transaction.

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6. \*balen\*
7. \*gilman\*
8. \*daliere\*
9. \*jorissen\*
10. harold.mcneil\*
11. hmcneil\*
12. \*bearden\*
13. kreynolds\*
14. kevin.reynolds\*
15. j.bennett\*
16. jennifer.bennett\*
17. brian.waters\*
18. bwaters\*
19. \*FieldTurf\* AND any of the following:
  - a. UV
  - b. ultraviolet
  - c. tensile
  - d. tenacity
  - e. test\*
  - f. masterbatch
  - g. Lisport
  - h. mono\*



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**Search 4**

**Custodians:** Tom Algoet, Jean-Claude Auguste, Luc de Vries, Mario Muehle, Ian Petrie, Marc Verleyen, and Guido Vliegen.

**Date Range:** March 1, 2010 through the present.

**Terms Searched:** Revolution

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**Search 5**

**Custodians:** Luc Blommaert, Fidel Ismael, Jeroen van Balen (Mattex emails), and Johan Vercruyssen.

**Date Range:** January 1, 2003 through March 1, 2007.

**Terms Searched:**

1. Duraspine
2. mono\*
3. C w/1 8
4. C w/1 6
5. C w/1 4
6. change\* w/20 (masterbatch OR UV OR ultraviolet OR polymer OR formula)
7. \*TenCate\* AND any of the following:
  - a. UV
  - b. ultraviolet
  - c. tensile
  - d. tenacity
  - e. test\*
  - f. masterbatch
  - g. Lisport
  - h. ISA Sport
  - i. mono\*
  - j. Reimotec
  - k. BASF
  - l. formula
  - m. polymer
  - n. C w/1 8
  - o. C w/1 6
  - p. C w/1 4
  - q. defect\*
  - r. liabilit\*
  - s. legal w/5 claim\*
  - t. product w/5 claim\*
  - u. warrant\*
8. \*reimotec\*

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9. \*isa-sport\*
10. \*gilman\*
11. jfields\*
12. joe.fields\*
13. \*bearden\*
14. j.bennett\*
15. jennifer.bennett\*
16. kreynolds\*
17. kevin.reynolds\*
18. \*FieldTurf\* AND any of the following:
  - a. UV
  - b. ultraviolet
  - c. tensile
  - d. tenacity
  - e. test\*
  - f. masterbatch
  - g. Lisport
  - h. mono\*

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**Search Terms – FieldTurf Emails**

**Search 1**

**Custodians:** Derek Bearden, Jennifer Bennett, Eric Dalieri, Thorsten Emge, Joe Fields, Darren Gill, John Gilman, Kenneth Gilman, Ralph Jorissen, Rodger Jungling, Alan Lemay, Bob McKeiver, Harold McNeil, John McShane, Denise Mireault, Jurgen Morton, Martin Olinger, Jean Provost, Kevin Reynolds, John Rodgers, Janice Slaughter, Jason Smollett, Brian Waters, and Andrea Wright.

**Date Range:** None

**Terms Searched:**

1. (Evolution OR Duraspine OR \*Mattex\* OR \*TenCate\*) AND any of the following:
  - a. UV
  - b. ultraviolet
  - c. tensile
  - d. tenacity
  - e. test
  - f. Masterbatch
  - g. Lisport
  - h. Labosport
  - i. Commercial Testing
  - j. CTC
2. (\*Mattex\* OR \*TenCate\*) AND mono\*
3. Evolution w/5 (damage\* OR destroy\* OR wear\* OR fad\* OR fail\* OR split\* OR fibril\* OR break\* OR defect\* OR streak\*)
4. Duraspine w/5 (damage\* OR destroy\* OR wear\* OR fad\* OR fail\* OR split\* OR fibril\* OR break\* OR defect\* OR streak\*)
5. jeroen\*
6. jvb
7. \*balen\*

8. \*verleyen\*
9. \*auguste\*
10. \*muchle\*
11. \*algoet\*
12. i.petrie\*
13. ipetrie\*
14. \*vliegen\*
15. \*blommaert\*
16. mlgreen\*
17. m.green\*
18. Aledo ISD
19. Aledo Independent School District
20. American Martyr
21. Archbishop Williams
22. Arlington ISD
23. Arlington Independent School District
24. Atlanta Silverbacks
25. Awty International
26. Baker University
27. Baron Collier
28. Bellevue West
29. Benedictine
30. Bishop Verot High School
31. Boys & Girls Club of Greenwich
32. Broadneck High School

33. Broken Arrow
34. Brook Hill
35. Brophy Sports Complex
36. Calabasas High School
37. Calvary Baptist
38. Camden County
39. Casia Hall
40. Catonsville
41. Cedar Park
42. City of El Segundo
43. Coe College
44. Corsicana
45. Dayton ISD
46. Dayton Independent School District
47. Dinuba
48. EC Glass
49. Edison Elementary
50. Eleanor Roosevelt
51. Fallbrook
52. Football Association de Maldives
53. Gilmer
54. Gulf Coast High School
55. Heber Springs
56. Heritage High School
57. Hickman

- 58. Humble ISD
- 59. Humble Independent School District
- 60. Immokalee
- 61. East Jefferson
- 62. West Jefferson
- 63. Joe Clarke Stadium Field
- 64. John Paul II
- 65. Johnston High School
- 66. Junction City
- 67. Kirkwood Soccer Club
- 68. Laguna Hills
- 69. Lake Brantley High School
- 70. Lake Highland
- 71. Lakeland Christian School
- 72. Agoura
- 73. Legacy Christian
- 74. Lely
- 75. Lewisville
- 76. Lincoln High School
- 77. Little Elm
- 78. Louisiana Tech
- 79. Lowndes County
- 80. Maricopa
- 81. Massachusetts Institute of Technology
- 82. McMurry

- 83. Memphis University
- 84. Midlothian
- 85. Mira Mesa
- 86. Mission Viejo
- 87. Mountain Brook
- 88. Mustang High School
- 89. Naples High School
- 90. Navasota
- 91. North East ISD
- 92. North East Independent School District
- 93. Notre Dame High School
- 94. Oakdale
- 95. Occidental
- 96. Ohio State University
- 97. Palisades High School
- 98. Pasadena ISD
- 99. Pasadena Independent School District
- 100. Pelham High School
- 101. Pittsburgh High School
- 102. Port Neches
- 103. Ralph M. Lewis
- 104. Rancho High School
- 105. Raritan
- 106. Rice University
- 107. Rock Bridge



108. Santa Ynez
109. Santana
110. Sierra Vista
111. Simon Fraser
112. Springfield
113. St. Genevieve
114. St. Thomas High School
115. St. Thomas Aquinas High School
116. Sweetwater
117. Towanda
118. New Fairfield
119. Traz Powell Stadium
120. Truman High School
121. LaFortune/Memorial Stadium
122. University of Rochester
123. University of Tulsa
124. Valhalla
125. Vista Ridge
126. Wake Forest University
127. War Memorial Stadium
128. West Chester University
129. West Covina
130. Westview High School
131. William Christman
132. Wolcott

133. Ygnacio Valley

**Search 2**

**Custodians:** Eric Daliere, Thorsten Emge, Darren Gill, Ralph Jorissen, Bob McKeiver, Harold McNeil, John McShane, Martin Olinger, Jurgen Morton, John Rodgers, and Jason Smollett.

**Date Range:** March 1, 2010 through the present.

**Terms Searched:** Revolution